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(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/534,301	
	Filing Date	May 9, 2005	
	First Named Inventor	Rossler et al.	
	Art Unit	2881	
	Examiner Name		
Total Number of Pages in This Submission	11	Attorney Docket Number	BHJ11USA

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		
Request for Correction of Filing Receipt Copy of Filing Receipt showing correction Copy of Declaration and Power of Attorney document		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Howson and Howson		
Signature			
Printed name	William Bak		
Date	March 8, 2006	Reg. No.	37,277

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Melody Marsden	Date	March 8, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

BHJ11USA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Joel Stephane Rossier et al.

Application No.: 10/534,301

Filed: May 9, 2005

For: APPARATUS FOR DISPENSING  
A SAMPLE IN ELECTROSPRAY  
MASS SPECTROMETERS

Examiner:

Group Art Unit: 2881

Certificate of Transmission under 37 CFR1.8  
I hereby certify that this correspondence is being transmitted via  
facsimile to the Office of Initial Patent Examination's Filing  
Receipt Corrections (703) 305-9822 of the United States Patent  
and Trademark Office on this date: March 8, 2006.

Signature Melody MarsdenMelody Marsden

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

Enclosed is a copy of the Filing Receipt received in the above-identified application.

Please amend the Foreign Applications to read: UNITED KINGDOM 0226160.0 11/08/2002.  
Attached is the Declaration and Power of Attorney document originally sent with the application.

Applicant respectfully requests that the official filing receipt for this application be corrected to  
amend the Foreign Applications.

Respectfully submitted,  
HOWSON AND HOWSON  
Attorneys for Applicant

By William Bak  
William Bak  
Reg. No. 37,277  
Suite 210  
501 Office Center Drive  
Ft. Washington, PA 19034  
(215) 540-9216

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/534,301	05/09/2005	2881	1500	BHJ11USA	8	28	4

## CONFIRMATION NO. 9814

270  
 HOWSON AND HOWSON  
 ONE SPRING HOUSE CORPORATION CENTER  
 BOX 457  
 321 NORRISTOWN ROAD  
 SPRING HOUSE, PA 19477

## FILING RECEIPT



'OC000000018128955'

Date Mailed: 02/27/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Joel Stephane Rossier, Vionnaz, SWITZERLAND;  
 Frederic Reymond, La Conversion, SWITZERLAND;

## Assignment For Published Patent Application

DiagnoSwiss S.A., Monthey, SWITZERLAND

Power of Attorney: The patent practitioners associated with Customer Number 270.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/13328 11/07/2003

## Foreign Applications

022616.0

UNITED KINGDOM 022616.0 11/08/2002

If Required, Foreign Filing License Granted: 02/23/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/534,301**

Projected Publication Date: 06/01/2006

Non-Publication Request: No

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Practitioner's Docket No. \_\_\_\_\_

PATENT

**COMBINED DECLARATION AND POWER OF ATTORNEY**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

(check one applicable item below)

- original.
- design.
- supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL CONTINUATION OR C-I-P.

NOTE: See 37 C.F.R. § 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.

- divisional.
- continuation.

NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. § 1.53(b) (application filing requirements — nonprovisional application).

- continuation-in-part (C-I-P).

**INVENTORSHIP IDENTIFICATION**

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

APPARATUS FOR DISPENSING A SAMPLE IN ELECTROSPRAY MASS SPECTROMETERS

(Declaration and Power of Attorney (1-1)—page 1 of 7)

**BEST AVAILABLE COPY****SPECIFICATION IDENTIFICATION**

the specification of which:

(complete (a), (b), or (c))

(a)  is attached hereto.

NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of  
37 CFR 1.63;

"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or

"(3) name of inventor(s), and title which was on the specification as filed."

Notice of July 13, 1995 (1177 O.G. 60).

(b)  was filed on \_\_\_\_\_, as Serial No. \_\_\_\_\_

or  \_\_\_\_\_

and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63;

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the specification as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of July 13, 1995 (1177 O.G. 60), M.P.E.P. § 801.01(b), 8th ed., rev. 3.

(c)  was described and claimed in PCT International Application No. PCT/EP03/13328  
and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

(Declaration and Power of Attorney [1-1]—page 2 of 7)

**BEST AVAILABLE COPY****SUPPLEMENTAL DECLARATION (37 C.F.R. § 1.57(b))***(complete the following where a supplemental declaration is being submitted)*

I hereby declare that the subject matter of the

attached amendment  
 amendment filed on \_\_\_\_\_

was part of my/our invention and was invented before the filing date of the original application, above identified, for such invention.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above,

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

*(also check the following items, if desired)*

and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

**PRIORITY CLAIM (35 U.S.C. §§ 119(a)–(d))**

**NOTE:** "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.83. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) must be filed in the case of an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in § 1.17(f). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. § 1.59(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)–(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

(d)  no such applications have been filed.

(e)  such applications have been filed as follows.

**NOTE:** Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

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**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
GB	0226160.0	08.11.02	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(34 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER	FILING DATE
_____ / _____	_____ / _____
_____ / _____	_____ / _____
_____ / _____	_____ / _____

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

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**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

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**NOTE:** If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

Stanley B. KITA, Registration No. 24,561; George A. SMITH, Jr., Registration No. 24,442; Mary E. BAK, Registration No. 31,215; William BAK, Registration No. 37,277; Henry HANSEN Registration No. 19,612 and Cathy Ann KODROFF, Registration No. 33,980

(check the following item, if applicable)

- I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

**NOTE:** "Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1.63(d)(4); § 601.03, M.P.E.P., 7th Edition."

**SEND CORRESPONDENCE TO****DIRECT TELEPHONE CALLS TO:**

(Name and telephone number)

- Address

(215) 540-9200

HOWSON AND HOWSON  
Spring House Corporate Center,  
P.O. Box 457  
Spring House, Pennsylvania 19477

- Customer Number 00270

(complete the following if applicable)

Since this filing is a  continuation  divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

(Declaration and Power of Attorney [1-1]—page 5 of 7)

**BEST AVAILABLE COPY****DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing record and all other documents.

## Full name of sole or first inventor

Joël Stéphane Rossier  
(GIVEN NAME) MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)

Inventor's signature

Date 03/05/05 Country of Citizenship Switzerland

Residence Vionnaz, Switzerland

Post Office Address Chemin des Rêvines, CH-1895 Vionnaz, Switzerland

## Full name of second joint inventor, if any

François Reymond  
(GIVEN NAME) MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)

Inventor's signature

Date 3rd of May 2005 Country of Citizenship Switzerland

Residence La Conversion, Switzerland

Post Office Address Rte de Conthey 23, CH-1093 La Conversion, Switzerland

## Full name of third joint inventor, if any

(GIVEN NAME) MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)

Inventor's signature

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

(Declaration and Power of Attorney (1-1)—page 6 of 7)

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(check proper box(es) for any of the following added page(s)  
that form a part of this declaration)

Signature for fourth and subsequent joint inventors. Number of pages added: \_\_\_\_\_

\* \* \*

Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added: \_\_\_\_\_

\* \* \*

Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added: \_\_\_\_\_

\* \* \*

Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47)

\* \* \*

Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.  
 Number of pages added: \_\_\_\_\_

\* \* \*

Authorization of practitioner(s) to accept and follow instructions from representative.

(If no further pages form a part of this Declaration,  
then end this Declaration with this page and check the following item)

This declaration ends with this page.

**BEST AVAILABLE COPY****ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR AUTHORIZATION OF ATTORNEY(S) TO ACCEPT AND FOLLOW  
INSTRUCTIONS FROM REPRESENTATIVE**

The undersigned to this declaration and power of attorney hereby authorizes the U.S. attorney(s) named herein to accept and follow instructions from

Bromhead Johnson  
Name(s) of authorized representative(s)

Kingsbourne House,  
Address

229-231 High Holborn,

London WC1V 7DP ENGLAND

as to any actions to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney(s) and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorney(s) will be so notified by the undersigned.

(Added page to Combined Declaration and Power of Attorney for authorization of attorney(s) to accept and follow instructions from representative (1-24))